IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

WP(C).No. 27867 of 2007(P)

PETITIONER:

A.K.BHAVA, S/O KUCHUNNI,
ANJIKKAPADATH HOUSE, DOOR NO.41/1016,
NEAR C.P.UMMAR ROAD,
ERNAKULAM NORTH, KOCHI-35.

BY ADV. SRI.K.R.VINOD

RESPONDENTS:

1. THE CORPORATION OF KOCHI, REP. BY ITS SECRETARY, CORPORATION OFFICE, ERNAKULAM.

2. ABDUL KAREEM,
PARAKKAT HOUSE, C.P.UMMAR ROAD,
ERNAKULAM NORTH, KOCHI-35.

3. NABEESA ABDUL KAREEM,
W/O ABDUL KAREEM,
PARAKKAT HOUSE, C.P.UMMAR ROAD,
ERNAKULAM NORTH, KOCHI-35.

R1 BY ADV. SRI.K.ANAND, SC, COCHIN CORPN.
R3 BY ADV. SRI.A.B.XAVIER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 27867 OF 2007

Dated this the 3rd day of December, 2007

JUDGMENT

Having considered the submissions addressed at the Bar and the various materials placed on record, I find prima facie that the allegation of the petitioner that construction materials or waste have been collected by respondents 2 and 3 by the side of the Corporation lane is correct. Under these circumstances, I direct the 1st respondent Corporation to ensure that all the materials and waste which are seen collected by the side of the road seen in Ext.P1 photographs are removed at the earliest. At any rate the Corporation shall enforce removal of the entire waste within three weeks of receiving copy of this judgment. It is made clear that these directions are without prejudice to any relief which respondents 2 and 3 may obtain from a competent Civil Court.

(PIUS C.KURIAKOSE, JUDGE)

btt